

Service Date: April 30, 2003

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF L. S. JENSEN AND)	TRANSPORTATION DIVISION
SONS, INC., Request for Permission)	
to Cancel Class D Authority)	DOCKET NO. TN2180
PSC No. 400, Sub A)	ORDER NO. 6532

IN THE MATTER OF L. S. JENSEN AND)	TRANSPORTATION DIVISION
SONS, INC., Complaint by BFI Waste)	
Systems, et al., Concerning the Validity of)	DOCKET NO. T-00.111.COM
Class D Authority PSC No. 400, Sub A)	ORDER NO. 6532

IN THE MATTER OF L. S. JENSEN AND)	TRANSPORTATION DIVISION
SONS, INC., Application to Transfer)	
Class D Authority PSC No. 400, Sub A)	DOCKET NO. T-00.105.ST
)	ORDER NO. 6532

FINAL ORDER CANCELLING AUTHORITY AND DISMISSING RELATED CASES

1. On July 12, 2000, the Public Service Commission (PSC) received an application for transfer of PSC No. 400, Sub A, a Class D motor carrier authority, from its owner of record, L. S. Jensen & Sons, Inc. (Jensen), to Winston, Fedders, Jakes, Inc. The transfer was assigned PSC Docket No. T-00.105.ST.

2. Following public notice of the application protests to the transfer were received by the PSC from numerous Class D carriers. The PSC determined the primary basis for the protests was the validity of PSC No. 400, Sub A, the protests challenging the validity of the authority should be treated as complaints, and PSC action on the application for transfer should be suspended until the complaints were resolved.

3. On September 28, 2000, the PSC issued a notice of complaint to Jensen. The complaint was assigned PSC Docket No. T-00.111.COM. Some procedures (*e.g.*, answer, discovery) occurred on the complaint. A hearing was scheduled, but later cancelled upon

agreement of all parties. Discussions on the matter then occurred between or among some or all of the parties.

4. On April 1, 2003, Jensen filed a request for cancellation of Class D motor carrier authority PSC No. 400, Sub A. Jensen relates that its records (*e.g.*, annual reports) reflect a good-faith effort to meet Class D requirements, but pertain only to construction waste for its business and affiliated businesses and not the collection or transportation of waste for other residences or businesses. Jensen requests cancellation of the authority with the qualification that cancellation, in and of itself, will create no additional need for Class D authority in the service area of the authority.

5. The PSC determines that Jensen's request that PSC No. 400, Sub A, held by L.S. Jensen and Sons, Inc., kna, GLJ, Inc., be cancelled should be granted. The PSC also determines the qualification (*i.e.*, cancellation of the authority, in and of itself, will create no additional need for Class D authority in the service area affected) will be honored. The PSC also determines that Jensen's application for transfer (T-00.105.ST) and the complaint (T-00.111.COM) should be dismissed as moot.

THEREFORE, IT IS HEREBY ORDERED Class D authority PSC No. 400, Sub A, is cancelled. Cancellation, in and of itself, creates no additional need for Class D authority in the service area affected. Pending PSC matters related to the authority, PSC Dockets No. T-00.105.ST and T-00.111.COM, are dismissed as moot and closed.

Done and dated this 15th day of April, 2003, by a vote of 5-0.

DOCKET NO. TN2180, ORDER NO. 6532
DOCKET NO. T-00.105.ST, ORDER NO. 6532
DOCKET NO. T-00.111.COM, ORDER NO. 6532

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BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order Cancelling Authority and Dismissing Related Cases in Docket TN2180, T-00.111.COM and T-00.105.ST has today been served on all parties named below.

MAILING DATE: April 30, 2003

FOR THE COMMISSION

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